

As of November 5, 2007—the day of jury selection and one day before trial, Plaintiff has still not produced Harrell’s file. Plaintiff has represented to Chrysler that she will be calling Harrell to testify and, as such, Plaintiff’s failure to produce his file is unfairly prejudicial to Chrysler. This prejudice would not be rectified by an eleventh hour, eve of trial production of Harrell’s file, especially when Chrysler has repeatedly asked for a copy of Harrell’s file.

Therefore, Chrysler requests that this Court strike the testimony of Plaintiff’s expert Walter Harrell and for other relief as may be just and proper.

Respectfully Submitted:

By: /s/ Chris Pearson
Chris Pearson
State Bar No.: 15690440
ATTORNEY IN CHARGE

CLARK, THOMAS & WINTERS,
A PROFESSIONAL CORPORATION
300 West 6th Street, Suite 1500 (78701)
P.O. Box 1148
Austin, Texas 78767
(512) 472-8800
(512) 474-1129 – Fax
cap@ctw.com

Of Counsel:
Roy A. Spezia
State Bar No. 18929560
Alifya V. Curtin
State Bar No. 24053162
Clark, Thomas & Winters, PC
300 West 6th Street, Suite 1500 (78701)
P.O. Box 1148
Austin, Texas 78767
(512) 472-8800
(512) 474-1129 - Fax

And

Richard “Dick” Grainger
State Bar No. 08286000
Law Offices of Richard Grainger
P. O. Box 491
Tyler, Texas 75710
(903) 595-3514
(903) 595-5360 - Fax

**ATTORNEYS FOR DEFENDANT
CHRYSLER LLC**

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that a true and correct copy of this document was served on the following counsel of record pursuant to Local Rule CV-5(2)(A), on this the 5th day of November, 2007:

E. Todd Tracy
The TRACY firm
5473 Blair Road, Suite 200
Dallas, Texas 75231
(214) 324-9000
(972) 387-2205 – Fax
COUNSEL FOR PLAINTIFF

/s/ Chris Pearson

Chris Pearson